

THIRTY-SEVENTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, Saturday, Oct. 28, 1871. }

Senate met pursuant to adjournment Senator Flanagan presiding. Roll called. No quorum present.

Absent—Senators Fountain, Mills, Pyle, Rawson, Saylor and Mr. President.

Absent, excused—Senator Pickett.

The Sergeant-at-Arms was dispatched for the absentees.

On motion of Senator Baker, the Senate at 10:35 A. M. adjourned to 10:30 A. M. Monday.

THIRTY-EIGHTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, Monday, Oct. 30, 1871. }

Senate met pursuant to adjournment. Senator Flanagan presiding. Roll called. Quorum present.

Absent—Senators Fountain, Pridgen and Pyle.

Absent, excused—Senator Pickett.

Prayer by the Chaplain.

Journal of Saturday read and adopted.

On motion of Senator Ruby, the Senate proceeded to elect a President *pro tem.* during the illness of President Campbell.

Senator Ruby put in nomination Senator Flanagan.

There being no further nominations, the Chair appointed Senators Parsons and Douglas as tellers.

The ballot having been taken, the following was announced as the result :

Senator Flanagan.....	15
“ Hall.....	4
“ Ruby.....	1
Blank.....	1
Total.....	21

Senator Flanagan having received a majority of all the votes cast was declared duly elected President *pro tem*.

Message from the House by the Chief Clerk, Mr. Gallant, informing the Senate that the House had passed with amendments the following Senate bills: Senate bill No. 339, "An act making an appropriation to defray the printing and contingent expenses of the Twelfth Legislature of the State of Texas;" substitute Senate bill No. 316, "An act authorizing the judges of the district courts to remove justices of the peace for cause."

And transmitting for concurrence House bills as follows: House bill No. 569, "An act defining tenancies, and prescribing how they shall be terminated;" House bill No. 664, "An act to amend an act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties;" House bill No. 769, "An act to establish a ferry across the Neches river at the Bolenhamer crossing, county of Houston;" House bill No. 801, "An act for the relief of the heirs of Christopher C. Williams, deceased."

Also, transmitting for signature of the President, enrolled House bill No. 771, "An act to incorporate the Star Mining and Transportation Company."

Enrolled House bill No. 771 signed by the President *pro tem*. in open session and returned to the House.

Also, for concurrence, House bill No. 808, "An act to incorporate the Gatesville Bridge Company;" House bill No. 813, "An act to establish a ferry across Trinity river, at Prewitt's old mill;" House bill No. 866, "An act to encourage the manufacture of cotton and wool in this State."

Under direction of the President, the Secretary returned to the House the following House bills, with information that the Senate had passed the same without amendment, to-wit: House bill No. 713, "An act to incorporate the Buffalo Warehouse and Compress Company;" House bill No. 737, "An act to establish a ferry across the Sabine river at Mann's Bluff, in the county of Panola;" House bill No. 775, "An act to confirm and make valid the acts of the District Court of Collin county, begun and held at the town of McKinney, on the first Monday in July, 1871," and had passed with amendment;" House bill No. 742, "An act to incorporate the Richmond Bridge Company."

Also, informing the House that the Senate agrees to House amendment to Senate bill No. 339, "An act making an appropriation to defray the printing and contingent expenses of the Twelfth Legislature of the State of Texas."

Also, transmitting for signature of the Speaker enrolled Senate bills as follows:

Senate bill No. 171, "An act to incorporate the Victoria Fire Company No. 1;" Senate bill No. 504, "An act to provide for appeals from interlocutory judgments in the district courts of the State;" Senate bill No. 178, "An act to repeal an act approved August 10, 1870, entitled 'An act to amend 'an act to incorporate Herman's University,' approved January 27, 1844, as amended by an act passed April 11, 1846.'"

Enrolled Senate bills signed by the Speaker of the House, returned to the Senate, and signed by the President *pro tem.* in open session.

Senator Mills moved to suspend the rules to consider House bill No. 339, "An act making an appropriation to defray the printing and contingent expenses of the Twelfth Legislature."

Yeas and nays called for and motion to suspend the rules carried by the following vote:

Yeas—Baker, Bell, Bowers, Cole, Flanagan, Ford, Gaines, Hall, Hertzberg, Hillebrand, Latimer, Mills, Parsons, Pettit, Rawson, Ruby, Saylor, Tendick—18.

Nays—Broughton, Dohoney, Douglas, Evans, Shannon—5.

Senator Gaines moved that the Senate concur in the following House amendments:

Amend section one by striking out the words "thirty thousand, and insert in lieu thereof "fifteen thousand."

Amend section one by inserting after the word "Twelfth Legislature" the words "in the proportion of ten thousand for the use of the House and five thousand dollars for the use of the Senate."

Yeas and nays called for, and the Senate concurred in the House amendments by the following vote:

Yeas—Bowers, Broughton, Cole, Dohoney, Douglas, Evans, Gaines, Hall, Hillebrand, Latimer, Shannon, Tendick—12.

Nays—Baker, Bell, Flanagan, Ford, Hertzberg, Mills, Parsons, Pettit, Rawson, Ruby, Saylor—11.

On motion of Senator Tendick, Senator Hertzberg was granted a leave of absence for ten days.

PETITIONS AND MEMORIALS.

By Senator Ruby: a memorial of Luke A. Falvel for relief. Read and referred to the Committee on Claims and Accounts.

By Senator Bowers: a petition of the citizens of Llano county, praying for the passage of a stock law. Read and referred to the Committee on Stock and Stockraising.

Senator Ruby moved that a committee of three be appointed to inform the Governor and the House of Representatives that the Senate had elected Hon. Webster Flanagan as President *pro tem*. Carried.

The Chair appointed as such committee Senators Ruby, Pridgen and Cole.

REPORTS OF STANDING COMMITTEES.

Report of the minority of the Committee on State Affairs, on Senate bill No. 519.

COMMITTEE ROOM, {
Austin, Oct. 27, 1871. }

Hon. DON CAMPBELL,

President of the Senate:

SIR: The undersigned, minority of your Committee on State Affairs, beg leave to dissent from the action of a majority of said committee in recommending the passage of Senate bill No. 519, to be entitled "An act to aid the available school fund, etc."

This bill provides for placing upon the market the bonds of the State for the amount of two million of dollars, the interest (at seven per cent.) and sinking fund, in gold, to be paid annually out of the available school fund of the State. The effect of this bill should it become a law, would be at once and for all time to destroy the perpetual school fund, which is held to be sacred by every true friend of education in this State. The object of the bill is to convert the perpetual fund at once and entirely into an available fund, that it may be exhausted at once, without any regard to the future wants of the State, in violation of the Constitution, which declares this fund perpetual, and in disregard of the humane and praiseworthy intentions of the founders of our State institutions, who hedged this sacred fund around by fundamental laws that prevent improvident and sacrilegious hands from squandering it.

The interest and sinking fund upon these bonds, should they be sold, would be \$225,300, which amount would be required to be drawn annually from the available school fund until the bonds were extinguished. The interest and sinking fund on all bonds of every description belonging to the perpetual school fund is less than \$154,000 per annum, so that to meet the debt, thus created, the entire perpetual fund would be converted to that purpose, and an additional amount of \$71,300 would have to be annually drawn from the "one-fourth of the annual revenue of the State," set apart by the constitution for public schools; so that instead of a perpetual school fund, we should have a permanent school debt

upon our hands. It is still hoped by the advocates of economy and moderation that a wise system of free schools can be gradually built up in Texas, commensurate with her wants, and without burdening the tax payers beyond endurance; but such hope can never be realized if this Legislature, in order to meet present wants, is guilty of the improvidence of exhausting at once the principal of that magnificent fund which is the pride of our State and the nucleus about which our system is to form.

The constitution (article nine, section six,) declares that "said fund, and the income derived therefrom, and the taxes herein provided for school purposes, shall be a perpetual fund, to be applied; as needed, exclusively for the education of all the scholastic inhabitants of this State; and no law shall ever be made appropriating such fund for any other purpose whatever."

This bill is in direct antagonism to this clause of our Constitution which was wisely designed to limit the action of the Legislature in the indiscriminate use of the principal of this fund, thus making it as it is denominated, "perpetual."

Section nine of the same article authorizes the Legislature to appropriate the interest accruing on the school fund, and the income derived from taxation for school purposes, but denies any control over the principal, and compells its investment in the bonds of the United States government.

The minority of your committee would earnestly protest against the passage of this bill, as in every way subversive of the best interests of the State. They insist that the large fund belonging to the people of Texas, together with the annual increase of that fund from the sale of public lands and from other sources, if economically expended in the education of the children of the poor, would secure the education of every child in this State; and that this fund would increase with the growth and age of the State until it would one day, when the wants of the people would require it, be ample for the support of a universal system of free schools throughout the State; but with the legislation here intended, we fell the tree which is to bear the fruit—we tear down the pillars upon which we would rear the edifice.

The minority of your committee respectfully recommend that said bill do not pass.

Respectfully,

J. P. DOUGLAS,
G. R. SHANNON.

Report read and laid over under the rules.

Report of a minority of the Committee on Finance on House Bill No. 747:

COMMITTEE ROOM, }
Austin, Oct. 27, 1871. }

Hon. DON CAMPBELL,

President of the Senate:

SIR: The undersigned, members of your Finance Committee, having differed from the majority of said committee in the consideration of House bill No. 747, "An act authorizing a loan to meet deficiencies in the revenue of the State, herewith submit the following minority report, to-wit:

The bill proposes to authorize the Governor to have issued and sold two millions of dollars in the bonds of the State; the bonds to run twenty years, bearing seven per cent. per annum interest payable semi-annually in gold. We are of opinion that this bill should not become a law for many reasons, some of which we will briefly state:

1. As a general rule, it is neither wise policy nor even simple justice, to create in the present a debt which must be met with all its accruing interest in the future. We believe that the legitimate expenses of every State government should be provided for by taxation and promptly paid as they are incurred.
2. Owing to the bad management of our financial affairs in the past, and especially to the general policy and conduct of the present administration, the credit of the State has been so impaired that these bonds if issued could not be sold except at the most ruinous sacrifices. We have no idea that more than fifty cents on the dollar could be realized on these bonds after paying the expense of selling them under this bill. The State would then realize one million of dollars, for which she would pay out in the end nearly five millions of dollars. Compute even the simple interest on these bonds for twenty years, at seven per cent., and you have the sum of \$2,800,000 (two million eight hundred thousand dollars), which, added to the principal, gives the sum of \$4,800,000 (four million eight hundred thousand dollars) that the State must eventually pay out in order to realize now \$1,000,000 (one million of dollars). And of this amount the interest or \$2,800,000 must be paid semi-annually.
3. The bill confers entirely too much power on the Governor. Section one authorizes him to have the bonds engraved, and section four gives him the power to appoint an agent to sell said bonds, at such time and place and in such quantities as the Governor may direct, and allows him to pay said agent such per cent. for his services as may be necessary. It will be seen that the pay of this agent is not to be limited by law. Such extraordinary powers should

never be conferred on any officer or agent, and it seems to us that the experience which this Legislature has already had in this regard should deter it from such indiscreet action in the future.

4. The bill provides that the proceeds of these bonds, when sold, shall be applied in payment of the various appropriations made by law, and the interest and sinking fund of the public debt of the State. Two of the principal items of the public debt are the frontier bonds and the International Railroad bonds. None of the latter have yet been issued, and in our opinion never should be. When this Legislature, at its present session last spring, struck out of the tax law the provision for meeting the interest and sinking fund on these bonds, it virtually decided that this International Railroad subsidy is illegal and void. We therefore think that no provision should be made for the payment of the interest or principal on these bonds even should they issue. And as to the frontier bonds, every one of them which has not already been in good faith disposed of by the State, should be promptly cancelled. The bill for the defense of the frontier has proved a complete failure. No protection whatever is being afforded to our suffering frontier people, and this Legislature will not discharge its duty to the people if it adjourns without making provision for the cancellation of all these frontier bonds, which have not already been disposed of by the State. Hence we argue that there is no necessity for any sale of bonds to meet the public debt. The comparatively small amount that is legitimate can be otherwise provided for.

5. As to appropriations, the Legislature has made many that in our opinion ought not to have been made. Appropriations that have been legitimately made must, of course, be paid; but it seems to us that the revenue now being raised by taxation, together with the proceeds of the (\$400,000) four hundred thousand dollars of bonds of the State, authorized by the act of this Legislature approved May 19, 1871, and which are now, as we are informed, already issued and on the market, ought to be sufficient to meet all lawful appropriations that have been made, as well as the *bona fide* public debt. We have not the data before us to sustain this opinion by figures, but when we consider the small amount of the State's indebtedness at the incoming of the present administration, we are certain that such ought to be the case, and that there is no necessity whatever for making and selling the two millions of bonds provided for in this act. We therefore respectfully recommend that the bill do not pass.

E. L. DOHONEY,
SAM EVANS.

Report read and laid over under the rules.

A special message from the Governor, by his Private Secretary, Mr. Britton, was announced, as follows :

GOVERNOR'S OFFICE. }
Austin, Oct. 26, 1871, }

To the Honorable Senate of the State of Texas :

GENTLEMEN : I would respectfully ask your advice and consent to the following appointments, to-wit : D. Makay, Notary Public, Dallas county, Texas ; J. K. Williams, Notary Public, Harrison county, Texas.

Very respectfully,
EDMUND J. DAVIS, Governor.

Message read and referred to the Committee on Nominations.
Reports of Committee on State Affairs :

COMMITTEE ROOM, }
Austin, Oct. 28, 1871, }

Hon. DON CAMPBELL,
President of the Senate :

SIR : Your Committee on State Affairs, to whom was referred House bill No. 542, to be entitled "An act to incorporate the Brazos Navigation Company," after careful consideration, instruct me to report the same back and recommend its passage.

Respectfully,
S. W. FORD, Chairman.

COMMITTEE ROOM, }
Austin, Sept. 28, 1871. }

Hon. DON CAMPBELL,
President of the Senate :

SIR : Your Committee on State Affairs, to whom was referred House bill No. 617, entitled "An act to incorporate the Banking, Insurance and Mutual Aid Association of Texas," after careful consideration, instruct me to report the same back and recommend its passage.

Respectfully,
S. W. FORD, Chairman.

COMMITTEE ROOM, }
Austin, Oct. 28, 1871. }

Hon. DON CAMPBELL,
President of the Senate :

SIR : Your Committee on State Affairs, to whom was referred House bill No. 368, entitled "An act to incorporate the Texas

State Medical Association," after careful consideration, instruct me to report the same back and recommend its passage.

Respectfully,

S. W. FORD, Chairman.

COMMITTEE ROOM, }
Austin, Oct. 30, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 500, entitled "An act to incorporate the Harbor Trust Company of Galveston," after careful consideration, instruct me to report the same back and recommend its passage with the accompanying amendment :

Amend in section five, line one, by striking out the word "perpetual."

Respectfully,

S. W. FORD, Chairman.

Reports read and laid over under the rules.

Report of Committee on General Land Office :

COMMITTEE ROOM, }
Austin, Oct. 28, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on General Land Office, to whom was referred Senate bill No. 530, entitled "An act to authorize the lifting or floating of valid land certificates in certain cases," have carefully examined the same, and instruct me to report it back with the recommendation that it do pass with the following amendment :

Amend by inserting in section one, line eight, after the words "claimants of" the words "the certificate located on."

Respectfully,

THEO. HERTZBERG, Chairman.

Report read and laid over under the rules.

Reports of the Committee on Judiciary :

COMMITTEE ROOM,
Austin, Oct. 30, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Judiciary, to whom was referred House bill No. 533, entitled "An act to prevent the issuance of

patents upon certificates unless properly authenticated," after careful consideration, instruct me to report the same back and recommend its passage.

Respectfully,

W. H. PARSONS, Chairman.

COMMITTEE ROOM, }
Austin, Oct. 30, 1871. }

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Judiciary, to whom was referred House bill No. 652, entitled "An act for the relief of Edward Delaney," after careful consideration, instruct me to report the same back and recommend its passage.

Respectfully,

W. H. PARSONS, Chairman.

COMMITTEE ROOM, }
Austin, Oct. 30, 1871. }

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Judiciary, to whom was referred House bill No. 535, entitled "An act to amend the first section of 'an act to authorize clerks of the district courts, their deputies and notaries public to take acknowledgments of deeds and other written instruments,' approved August 8, 1870," after careful consideration, instruct me to report the same back and recommend its passage.

Respectfully,

W. H. PARSONS, Chairman.

COMMITTEE ROOM, }
Austin, Oct. 30, 1871. }

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Judiciary, to whom was referred House bill No. 480, entitled "An act to amend an act entitled 'an act defining the homestead and other property exempt from forced sale in this State,' approved August 15, 1870," after careful consideration, instruct me to report the same back and recommend that it do not pass.

Respectfully,

W. H. PARSONS, Chairman.

COMMITTEE ROOM, }
Austin, Oct. 30, 1871. }

Hon. DON CAMPBELL,
President of the Senate:

SIR: Your Committee on Judiciary, to whom was referred Senate bill No. 523, entitled "An act to incorporate the Houston Turn-Verein," after careful consideration, instruct me to report the same back and recommend its passage.

Respectfully,

W. H. PARSONS, Chairman.

COMMITTEE ROOM, }
Austin, Oct. 30, 1871. }

Hon. DON CAMPBELL,
President of the Senate:

SIR: Your Committee on Judiciary, to whom was referred House bill No. 552, entitled "An act further regulating Juries," after careful consideration, instruct me to report the same back and recommend its passage.

Respectfully,

W. H. PARSONS, Chairman.

COMMITTEE ROOM, }
Austin, Oct. 30, 1871. }

Hon. DON CAMPBELL,
President of the Senate:

SIR: Your Committee on Judiciary, to whom was referred Senate bill No. 531, entitled "An act for the protection of dumb animals," after careful consideration, instruct me to report the same back and recommend its passage with the accompanying amendments, viz:

Amend the caption to read as follows: "An act to be entitled an act supplementary to and amendatory of sections seven hundred and thirteen and seven hundred and fourteen of chapter four, title twenty, of the Penal Code."

Amend by striking out all after the word "dollars" in line seventeen, section one."

Respectfully,

W. H. PARSONS, Chairman.

Reports read and laid over under the rules.

Report of Committee on Education :

COMMITTEE ROOM, }
Austin, Oct. 28, 1871. }

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Education, to whom was referred House bill No. 585, have had the same under careful consideration, and a majority thereof instruct me to report it back to the Senate with the recommendation that it do pass.

Respectfully,

E. PETTIT, Chairman.

Report read and laid over under the rules.

On motion of Senator Mills, one hundred copies of House bill No. 747, and the majority and minority reports thereon, were ordered to be printed.

Report of Committee on Engrossed Bills :

COMMITTEE ROOM, }
Austin, Oct. 30, 1871. }

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Engrossed Bills have examined and find correctly engrossed Senate bills as follows :

Senate bill No. 510, "An act to organize and define the powers of the Criminal District Court in and for the counties of Marion and Harrison, and to prescribe the duties thereof;" Senate bill No. 532, "An act to incorporate the Gatesville Bridge Company;" Senate bill No. 489, "An act to incorporate the Texas Live Stock Insurance Company."

G. T. RUBY, Chairman,

Report read and received.

Under direction of the President the Secretary carried to the House for concurrence Senate bills Nos. 489 and 532.

Report of Committee on Private Land Claims :

COMMITTEE ROOM, }
Austin, Oct. 30, 1871. }

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Private Land Claims, to whom was referred House bill No. 692, for the relief of William Seeger and

E. B. Shields, having had the same under careful consideration, instruct me to report the bill back, recommending that it do pass.

G. T. RUBY, Chairman.

Report read and laid over under the rules.

REPORTS OF SELECT COMMITTEES.

Senator Ruby made the verbal report that the select committee appointed for that purpose, had informed the Governor and House of Representatives of the action of the Senate in electing a president, *pro tem*.

Report received and the committee discharged.

Senator Bowers submitted the following report :

COMMITTEE ROOM, }
Austin, Oct. 28, 1871. }

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your special committee, who were appointed to confer with a similar committee from the House of Representatives, to devise ways and means for the more effectual protection of the public buildings and archives of the State, having considered the same, beg leave to report and recommend the passage of bills embodying the following recommendations, to-wit:

1. An appropriation of eleven thousand dollars, (or so much thereof as may be necessary), to complete the Artesian Well, and build two new cisterns on the Capitol grounds.

2. An appropriation of six thousand dollars, (or so much thereof as may be necessary,) to purchase a first-class steam fire engine.

3. That one-half of the taxes due and collected by the State, within the city of Austin, be deposited in the Treasury annually, to be drawn therefrom exclusively for the maintenance of a fire department.

4. That the vacant lots belonging to the State, situated on Congress Avenue nearest the Capitol grounds, be leased to the city of Austin for the term of ninety-nine years, to erect suitable buildings for engine house and fire department headquarters, provided that the city will construct the buildings and keep the same in repair.

5. The erection of a fire-proof building, (such as may hereafter be approved), in which to deposit the State archives.

M. H. BOWERS,

Chairman Senate Committee.

J. W. JOHNSON,

Chairman House Committee.

Report read and laid over under the rules.

BILLS AND RESOLUTIONS.

By Senator Saylor: a bill (Senate bill No. 533) to be entitled "An act to incorporate the Bryan, Texas, and Lake Charles, Louisiana, Railroad Company, and to provide the aid of the State of Texas in constructing the same." Read first time and referred to the Committee on Internal Improvements.

By Senator Evans: a bill (Senate bill No. 534) to be entitled "An act for the relief of Ezekiel W. Cullen." Read first time and referred to Committee on Private Land Claims.

By Senator Ford: a bill (Senate bill No. 535) to be entitled "An act to amend sections one, two, three, five, six, eleven, twelve, thirteen, fifteen, nineteen and twenty, of an act to incorporate the Waco Tap Railroad Company." Read first time and referred to the Committee on Internal Improvements.

By Senator Pridgen: a bill (Senate bill No. 536) to be entitled "An act to amend 'an act to provide for districting the State of Texas into judicial districts,' approved July 2, 1870." Read first time; rules suspended, read second time, ordered engrossed and passed to a third reading.

On motion of Senator Pridgen, the rules were further suspended and Senate bill No. 536 read third time and passed.

Also, a bill (Senate bill No. 537) to be entitled "An act to amend an act entitled 'an act prescribing the times of holding the district courts in the several judicial districts of the State,' approved August 10, 1870." Read first time; rules suspended, read second time, ordered engrossed and passed to a third reading.

On motion of Senator Pridgen, the rules were further suspended, and Senate bill No. 537 read third time and passed.

On motion of Senator Parsons, the rules were suspended to take from file Senate bill No. 523, "An act to incorporate the Houston Turn Verein." Read second time, ordered engrossed and passed to a third reading.

On motion of Senator Parsons, the rules were further suspended, and Senate bill No. 523 read third time and passed.

On motion of Senator Bell, the rules were suspended to take

from file House bill No. 407, "An act to enable the Comptroller of Public Accounts to settle with defaulting revenue officers." Read first time and passed to a second reading.

On motion of Senator Bell, the rules were further suspended, and the bill read second time and passed to a third reading.

On motion of Senator Bell, the rules were further suspended, and House bill No. 407 read third time and passed.

BILLS ON A THIRD READING.

House bill No. 453, "An act to authorize the amendment of affidavits and bonds in certain cases." Read third time.

Senator Mills moved the passage of the bill.

Yeas and nays called for, and the Senate refused to pass the bill by the following vote:

Yeas—Baker, Bowers, Cole, Dohoney, Flanagan, Gaines, Hall, Hertzberg, Hillebrand, Mills, Ruby, Saylor—12.

Nays—Bell, Broughton, Douglas, Evans, Ford, Latimer, Parsons, Pettit, Pridgen, Rawson, Shannon, Tendick—12.

By leave, Senator Saylor introduced the following resolution which was adopted:

Resolved, That the Adjutant General of the State is hereby requested to furnish to this Senate the number of men now on duty in the police force of the State, with their rank and pay.

BILLS ON SECOND READING.

House bill No. 71, "An act to incorporate the Jefferson Steam Fire Company No. 1, of the city of Jefferson." Read second time and passed to a third reading.

On motion of Senator Gaines, the rules were suspended, and House bill No. 71 read third time and passed.

House bill No. 79, "An act to provide for transcribing the land records of San Saba county." Read second time and passed to a third reading.

On motion of Senator Bowers the rules were suspended and House bill No. 79 read third time and passed.

House bill No. 83, "An act to prevent the introduction and spreading of the scab among sheep." Read second time, and on motion of Senator Shannon indefinitely postponed.

House bill No. 90, "An act to incorporate the Lake City Cotton and Wool Manufacturing Company." Read second time and passed to a third reading.

On motion of Senator Ford the rules were suspended, and House bill No. 90 read third time and passed.

House bill No. 110, "An act to incorporate the Texas Lumber and Manufacturing Company." Read second time and passed to a third reading.

On motion of Senator Gaines the rules were suspended, and House bill No. 110 read third time and passed.

On motion of Senator Saylor the rules were suspended to take from the file Senate bill No. 360, "An act amendatory of and supplementary to an act entitled 'an act to incorporate the Pacific and Great Eastern Railway Company of Texas.' " Read third time.

Senator Gaines moved to lay the bill on the table. Lost.

Senator Broughton moved the passage of the bill.

Yeas and nays called, and the Senate refused to pass Senate bill No. 360 by the following vote :

Yeas—Bowers, Broughton, Cole, Flanagan, Latimer, Mills, Parsons, Ruby, Saylor, Shannon—10.

Nays—Baker, Bell, Dohoney, Douglas, Evans, Ford, Gaines, Hall, Hertzberg, Hillebrand, Pettit, Pridgen, Rawson—13.

BILLS ON SECOND READING—Resumed.

Substitute House bill No. 99, "An act to incorporate the Cleburne and Cross Timber Railway Company." Read second time, and the following amendments, reported by the Committee on Internal Improvements, were adopted: Amend section six by adding, "*provided*, that suits against said company may be maintained in any county through which said road is located, for damages for accidents from neglect of employes."

On motion of Senator Gaines, the further consideration of the bill was postponed and it was made the special order for Wednesday next at 12 o'clock M.

Senator Broughton moved that the Senate stand adjourned to 10½ A. M. to-morrow.

Yeas and nays called for and motion to adjourn lost by the following vote:

Yeas—Baker, Broughton, Douglas, Evans, Hall, Hillebrand, Mills, Parsons, Rawson, Shannon—10.

Nays—Bell, Bowers, Cole, Dohoney, Flanagan, Ford, Gaines, Hertzberg, Pettit, Pridgen, Ruby, Tendick—12.

Senator Pridgen moved to reconsider the vote of to-day, by which the Senate refused to pass House bill No. 453.

Senator Broughton moved a call of the Senate. Call sustained.

Absent—Senators Fountain, Latimer, Pyle, Saylor and Mr. President.

Absent, excused—Senator Pickett.

On motion of Senator Flanagan, President Campbell was excused on account of sickness.

Senator Gaines moved that the Senate stand adjourned to 10½ A. M. to-morrow.

Yeas and nays called for, and motion carried by the following vote:

Yeas—Baker, Broughton, Douglas, Evans, Gaines, Hall, Hillebrand, Parsons, Pettit, Pridgen, Rawson, Shannon—12.

Nays—Bell, Bowers, Cole, Dohoney, Flanagan, Ford, Hertzberg, Mills, Ruby, Tendick—10.

So the Senate at 12:45 P. M. adjourned to 10:30 A. M. to-morrow.

THIRTY-NINTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, Tuesday Oct. 31, 1871. }

Senate met pursuant to adjournment. Senator Flanagan, President *pro tem.*, presiding. Roll called. Quorum present.

Absent—Senators Bowers, Broughton, Cole and Fountain.

Absent, excused—President Campbell and Senators Hertzberg and Pickett.

Prayer by the Chaplain.

On motion of Senator Gaines the reading of the journal of yesterday was dispensed with.

By direction of the President, the following communication was read:

DEPARTMENT OF STATE,
Austin, Oct. 31, 1871. }

CHARLES CAMPBELL, Esq.,

Secretary of the Senate:

SIR: In compliance with the requirements of section thirty-seven, of the election law, approved August 15, A. D. 1870, I have the honor to furnish the following list of names of persons who have been elected to seats in the Senate of this State at the election held on the 3d, 4th, 5th and 6th days of October, A. D. 1871: W. H. Swift from Second District and J. E. Dilliard, from Third District.

Very respectfully, your obedient servant,

J. E. OLDRIGHT,

Acting Secretary of State.